

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE RULE 95-205

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

1. Statutory Authority

Has the department complied with s. 480.06 (1), Stats.?

2. Form, Style and Placement in Administrative Code

a. In s. RL 127.03 (2) (a) (intro.), it is suggested that “, in connection with an auction of real estate” precede the colon. If that suggestion is followed, then reference may be made to “the real estate,” as appropriate, in the subdivisions that follow.

b. In s. RL 127.03 (2) (a) 1., “if” should be substituted for “provided that.”

c. In s. RL 127.04 (intro.), it is suggested that “to the contract” precede the colon.

4. Adequacy of References to Related Statutes, Rules and Forms

a. The references to the form in s. RL 127.04 (1) and (2) could be more specific. First, the references to chs. RL 16 and 124 should be more specific; in other words, the relevant sections within those chapters should be referenced. Further, does the listing contract form lend itself to inclusion of the contract provisions of s. RL 124.02? Would it be simpler to provide for a new contract form to cover the situations under s. RL 127.04 (1) and (2)?

b. In s. RL 127.04 (3), the reference to “ch. RL 124” should be to “s. RL 124.02.”

5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. In s. RL 127.02 (2), it appears that the first “or” should be replaced by “and.”
- b. In s. RL 127.03 (1), a comma should be inserted following the phrase “real estate broker-employer.”
- c. In s. RL 127.03 (2) (a) 1., the phrase “of the real estate” should be inserted after the word “owner.” [See, also, ss. 127.03 (2) (b) 2. and 127.06. The latter section should use the phrase “of real estate.”]
- d. Consideration should be given to inserting a note giving further explanation for s. RL 127.03 (2) (a) 4., by providing examples of other tasks relating to conducting an auction that do not require a real estate license.
- e. In s. RL 127.04 (intro.), the phrase “shall specify” should be replaced by the word “specifies.”
- f. In s. RL 127.04 (3), should “or sales person” follow “broker”?